

8-026 2007 PITSEA CRE REPORT FOR APPEAL

Planning Appeal
Appellant: Gratton puxon
Land at Terminus Drive, Pitsea, Basildon, Essex

APPENDIX 4

CRE Report etc

A Summary of Gypsy Habits

There is a need to consider the normal travelling habits of the gypsy and to consider the problems created for them and others by the lack of site provision over many years.

The failure to make adequate provision for sites for gypsies over some 50yrs has created the present position. Prior to the **Caravan Sites (Development and Control) Act 1960**, the gypsy was able to occupy common land, however, after that act came into force they were constantly forced to move on and were evicted, whilst no replacement land was provided. The demand for new houses and land for development was increasing and the numbers of gypsies were also increasing, as children became parents and yet, if anything the land available for occupation by the gypsy was being reduced.

There have, over the years, been a number of gypsies who have tried to make the transition into houses, for the most part this has failed and has caused ill health and on occasion's marriage breakdown.

The **Caravan Sites Act 1968** imposed an obligation upon the Local authority to provide sites, this was largely ignored. It is to be noted that when that act was repealed in 1994 there was been an increasing under provision; this is and was revealed by the six monthly gypsy counts.

The introduction of the guidance in **Circular 1/94** was intended to ensure that a proper assessment of need was carried out and land identified for gypsy sites in the Local Plan

The circular indicated that a locational based policy should be included in the development plan unless, after investigation, the Local Planning Authority are unable to identify any land which might be suitable for gypsies in their area. If there is no such land then a criteria based policy could be adopted.

A criteria based policy was therefore only appropriate if the planning authority had carried out a quantitative assessment of need and have failed to locate any land which might be suitable for the needs of the gypsy in their area.

In consequence if an authority adopted a criteria based policy it was to be assumed that they have carried out a investigation as to available land and concluded that none is available.

The definition contained, in paragraph 8 of that circular clearly anticipated that there would be a movement of gypsies around and into the area. Indeed the fact that a gypsy needed to remain mobile and nomadic to maintain his gypsy status is the basis for the inclusion of such guidance.

The traditional gypsy has always travelled around the country seeking work in their particular trade; this will involve 'working' an area until the opportunities cease and then moving on. In addition the 'agricultural' gypsy would travel to certain areas for the season of, for example, pea and bean picking to Somerset, hop picking in Kent and the South Midlands, fruit picking in Evesham and the surrounding counties.

In addition most gypsies would trade, many in horses and horse equipment and would attend the gypsy fairs. Appleby, Stow, Bridgwater, Andoverford, Reading, etc. In many cases the timing of the fair would coincide with the seasonal picking.

There was always less work in the winter season and therefore the gypsy would often revert back to their traditional base to prepare for the next years travels.

It is to be regretted that very few council's actually made appropriate provision or even carried out any meaningful assessments and Planning Inspectors acquiesced in that failure as they allowed Local Plan's to be adopted without the proper procedures being undertaken. However in individual planning appeals there was criticism of the lack of an assessment e.g. In 2002 - *Land at Pylon site, Potters Bar APP/N1920/A/01/106832* in which the Secretary of State indicated that little weight should be given to the Development Plan as no assessment had been carried out

The circular published in February 2006 **1/2006** accepts that the old circular had failed to make adequate provision for gypsies and introduced a new and more stringent assessment of need, to include considering the needs of those who unlawfully share pitches, who reluctantly live in houses and also considering the future need of the children of gypsies.

It also provides that Planning Authorities must now make adequate site provision to meet the assessed need.

As a consequence of the failure to make provision it is estimated that well over 4,000 gypsies are without a settled base and occupying land unlawfully and that does not include those who are living in houses or take any consideration of the short and medium term future need.

This has resulted in large sums of money being expended by The Police and Local Authorities as they move gypsies from land which they occupy without lawful permission, the nonsense is that they simply move the gypsy to another piece of land which they cannot occupy lawfully and the eviction process starts again.

It is also a major problem for the land owner and local people become very upset as they see uncontrolled gypsy occupations taking place in their area.

It is, of course, a major problem for the gypsy and their family as they are constantly moved on and that has had an extreme effect upon their health and education such that the CRE in their report of April 2004 expressed concern that the life expectancy of the gypsy was much lower than the traditional house dweller because they were and are unable to access proper and appropriate health care.

In consequence the failure to provide suitable land or sites has caused a significant problem for all concerned.

It has become a particular concern, not only in relation to health needs but also in relation to the educational needs of the children.

In our present society the need for basic literacy skills has become the more obvious, gypsies have become more integrated and therefore their children now need to be educated. It is the more difficult for the gypsy child to learn these skills because their parents have never been taught and many cannot read or write very well or at all.

There is an obligation on the LEA to provide education and the Department of Education and Skills in a circular published in July 2003 identified the gypsy child is the most educational deprived of all children from ethnic groups. This is of great concern, especially when one realises that some ethnic groups have to first master the English language and yet they are not so disadvantaged as the gypsies who are compelled to move on and therefore have no settled education, That Circular and the surveys of the **CRE AND Children's Society**

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identifies the particular needs of the gypsy child whose parents have no settled site as being of particular concern.

In addition if education is not provided then the child is deprived of its education and that is contrary to **Protocol 1 Article 2** and therefore discrimination contrary to **Article 14 Human Rights Act 1998**.

The gypsy, in the present era needs a base from which to travel to ensure that their health needs are met and also to provide education for their children.

As indicated the problems which are identified above have been highlighted in reports by the **Children's Society in 1995** and **Commission for Racial Equality 2nd April 2004** and remain as much a concern today as they were when the reports were published.

It is therefore essential that for the future there should be a closer liaison between LPA and gypsy to find land which is appropriate for the needs of the gypsy and also allow the settled community an input into the location of such sites.

In is with that background that this and all gypsy planning applications should be judged.

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